

[Report No. 264.]

IN THE HOUSE OF REPRESENTATIVES.

MARCH 3, 1857.

Read twice, and committed to the Committee of the Whole on the state of the Union.

Mr. H. BENNETT, from the Committee on Public Lands, reported the following bill:

A BILL

To establish a communication by railroad and telegraph between the Atlantic States and California, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled, That*
3 to aid in the construction of a railroad and telegraph line from
4 the Mississippi river to the western boundary of Texas, and
5 from thence to the Pacific ocean, there is hereby granted, on
6 the terms and conditions hereinafter mentioned, to the South-
7 ern Atlantic and Pacific Railroad Company, of which Vernon
8 K. Stevenson, of Tennessee, is president, their associates, suc-
9 cessors, and assigns, every alternate section of land, to the
10 amount of twenty-five alternate sections per mile on each side
11 of said railroad and telegraph line, from the western boundary

12 of Texas, at or near El Paso, on the most direct eligible
 13 route to the eastern boundary of California, in the direction
 14 to San Francisco; and from thence, to the amount of ten al-
 15 ternate sections per mile on each side of said railroad and
 16 telegraph line, on the most direct eligible route to the Pacific
 17 ocean, at or near San Francisco, with a branch railroad and
 18 telegraph line from the nearest practicable point on said main
 19 railroad and telegraph line to San Diego; and to aid in con-
 20 structing the same, a like grant to said company, to the
 21 amount of ten alternate sections per mile on each side thereof,
 22 is hereby made.

1 **SEC. 2.** *And be it further enacted,* That to aid in the
 2 construction of a railroad and telegraph line from Lake
 3 Superior to the Pacific ocean, there is hereby granted, on the
 4 terms aforesaid, to the Northern Lakes and Pacific Railroad
 5 Company, of which Alexander Ramsey, of Minnesota, is
 6 President, their associates, successors, and assigns, every alter-
 7 nate section of land, to the amount of fifteen alternate sections
 8 per mile, on each side of said railroad and telegraph line from
 9 the head of Lake Superior to the Red river of the north;
 10 and from thence, to the amount of twenty-five alternate sec-
 11 tions per mile on each side thereof on the most direct eligible
 12 route to the waters of Puget's Sound, or to the Pacific ocean,
 13 at or near the mouth of the Columbia river, as may be found
 14 most practicable; with a branch railroad and telegraph line

15 from said main road, if located to the waters of Puget's Sound,
 16 to the navigable waters of the Columbia river near its mouth;
 17 or if located to the Columbia river, with a branch railroad
 18 and telegraph line to the waters of Puget's Sound; in either
 19 case, said branch railroad to start from the nearest eligible
 20 point on said main road. And to aid in constructing said
 21 branch railroad and telegraph line, a like grant is made to
 22 said company to the amount of ten alternate sections per mile
 23 on each side thereof. *

1 SEC. 3. *And be it further enacted*, That, to aid in the
 2 construction of a railroad and telegraph line from the western
 3 boundary of Missouri and Iowa to the Pacific ocean, a grant
 4 of land is hereby made, upon the terms aforesaid, to the fol-
 5 lowing railroad companies, namely: the Hannibal and St.
 6 Joseph Railroad Company; the Pacific Railroad Company of
 7 Missouri; the Burlington and Missouri River Railroad Com-
 8 pany; the Philadelphia, Fort Wayne, and Platt River Air-
 9 Line Railroad Company; the Mississippi and Missouri Rail-
 10 road Company; the Iowa Central Air-Line Railroad Company;
 11 the Northern Iowa and Minnesota Railroad Company; and the
 12 Dubuque and Pacific Railroad Company of Iowa, to the ex-
 13 tent and in the manner following—that is to say: the four most
 14 central of said railroads to be extended westwardly from the
 15 Missouri river, and unite with each other within two hundred
 16 miles west from said river, and as much nearer as may be

17 found practicable by each of said companies, respectively ; and
18 from thence the companies constructing those roads may
19 jointly construct a railroad and telegraph line to a point of
20 junction with the most northern and southern of said railroads,
21 as hereinafter mentioned. Said central road or roads to be
22 constructed on the most direct eligible route from their eastern
23 termini on the Missouri river towards the pass selected for
24 said main railroad over the Rocky mountains. The two most
25 northern of said railroads to be*extended westwardly from the
26 western boundary of Iowa, and to unite with each other within
27 two hundred miles west from the Missouri river, and as much
28 nearer as may be found practicable ; and from thence the
29 companies constructing those roads may jointly construct a rail-
30 road and telegraph line to unite with said central road within
31 five hundred miles west from the Missouri river, and as much
32 nearer as said companies constructing the same may elect ;
33 and the two most southern of said railroads to unite with each
34 other within two hundred miles west from the Missouri river,
35 and as much nearer as may be found practicable ; and from
36 thence the said companies constructing those roads may jointly
37 construct a railroad and telegraph line to unite with said cen-
38 tral road within five hundred miles west from the Missouri river,
39 and as much nearer as the companies constructing the same may
40 elect. The grant to each of said railroad companies respectively,
41 to be to the amount of three alternate sections of land per mile

42 on each side of each of said railroads, respectively, so far as
43 the same are constructed by said companies singly, as above
44 provided. But this grant is not to include any part of said
45 railroads, or either of them, east of the western boundaries
46 of Missouri and Iowa, respectively. And to the said com-
47 panies severally constructing the said central, northern, and
48 southern railroads and telegraph lines, respectively, to the
49 amount of five alternate sections per mile on each side of
50 each of said railroads, respectively, to the place where each
51 shall have intersected, so as to form a single railroad and tele-
52 graph line. And from thence, to aid in constructing said
53 main railroad and telegraph line, a grant of land is hereby
54 made to all of said companies, their associates, successors, and
55 assigns, to the amount of twenty-five alternate sections of
56 land per mile on each side of said main railroad and telegraph
57 line, from said point of junction on the most direct eligible
58 route, to the pass selected therefor over the Rocky moun-
59 tains; and from thence on the most direct and eligible route
60 to the eastern boundary of California, in the direction to
61 San Francisco; and from said eastern boundary to the
62 amount of ten alternate sections per mile on each side of
63 said railroad and telegraph line on the most direct eligible
64 route to the Pacific ocean, at or near San Francisco, with a
65 branch railroad and telegraph line from the nearest practica-
66 ble point on said main railroad to the navigable waters of the

67 Columbia river at or near its mouth; to aid in constructing
68 which, a like grant to said companies to the amount of ten al-
69 ternate sections per mile on each side of said branch railroad
70 and telegraph line is hereby made. In case said companies or
71 such of them as may proceed to construct said main road and
72 telegraph line shall become consolidated, then the grant for
73 said main road and telegraph line, with said branch railroad and
74 telegraph line, shall inure to the benefit of such consolidated
75 company, their associates, successors, and assigns; otherwise it
76 shall inure to the benefit of such of said companies as shall
77 proceed to construct the same, according to the amount of
78 capital invested by them, respectively, their associates, succes-
79 sors, and assigns. In case any of said companies shall refuse
80 to join with the other of said companies in constructing any
81 railroad, jointly to be constructed up to said main road as above
82 specified, then one of said companies may construct the same
83 alone, and shall receive the whole grant therefor. And in case
84 any of said companies shall refuse to join in constructing said
85 main railroad and telegraph line and branch aforesaid, such
86 other of said companies as shall elect to do so, may proceed
87 and construct the same, and shall receive the whole grant
88 therefor. A telegraph line from the Missouri river shall be
89 constructed on each of said railroads up to the said point of
90 junction or main road.

1 SEC. 4. *And be it further enacted*, That in order to con-

nect by railroad and telegraph with said Southern Atlantic and Pacific Railroad and Telegraph line, a grant of lands is hereby made, on the terms aforesaid, to the Pacific Railroad Company of Missouri, from Springfield, in said State, to such point of junction as may be fixed by said Company in the Territory of New Mexico, to the amount of three alternate sections per mile on each side of said connecting railroad and telegraph line from Springfield to the western boundary of Missouri; from thence to the amount of ten alternate sections per mile on each side of said railroad and telegraph line, to the point of junction with said Southern Atlantic and Pacific Railroad within said Territory of New Mexico. And in order to connect with said Northern Pacific railroad and telegraph line, a grant of lands is made on the terms aforesaid to the Milwaukee and Horicon Railroad Company to the amount of three alternate sections per mile on each side of said last mentioned railroad, from Horicon to the head of Lake Superior. And a grant is also made to the La Crosse and Milwaukee Railroad Company, from the termination of the contemplated railroad in the Territory of Minnesota, at or near Sioux Wood river, to the said Northern Pacific railroad, at such point as said company may fix within said Territory, to the amount of five alternate sections per mile on each side of said last mentioned railroad. Each of the connecting railroads named in this section are to construct a telegraph line upon their said roads.

1 SEC. 5. *And be it further enacted,* That so far as lands
2 are granted by this act to aid in the construction of said rail-
3 roads within the State of California, the same shall be of no
4 effect unless the said State of California shall, by some legis-
5 lative enactment duly passed, declare her assent to the con-
6 struction of such railroad within said State according to the
7 provisions of this act; and this provision shall apply to
8 every State in which any part of the railroads mentioned in
9 this act are situated. And in all cases where the United States
10 have disposed of any of the alternate sections granted by this
11 act, or for any other reason cannot convey title thereto, or
12 where the same shall be condemned by the United States
13 surveyor as worthless, (and his decision shall be approved by
14 the Secretary of the Interior,) or where the same shall be
15 mineral lands, (which are hereinafter excepted from the opera-
16 tions of this act,) the deficiency shall be made up by other
17 sections from the nearest unappropriated public lands belong-
18 ing to the United States, to which none of the aforesaid
19 objections apply. And the alternate sections granted by
20 this act shall in all cases, when surveyed, be those designated
21 by odd numbers.

1 SEC. 6. *And be it further enacted,* That each of the
2 grants aforesaid, to the companies aforesaid respectively, is
3 made on the terms and conditions specified in this act, and on
4 condition that said several companies assent to the same and

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5 comply therewith; and that said companies shall severally
 6 construct a railroad and telegraph line as required by this act,
 7 upon the routes respectively designated, as near as may be
 8 practicable, in a good, substantial, and workmanlike manner.
 9 Said railroads to be made with all necessary drains, culverts,
 10 viaducts, crossings, sidings, bridges, turnouts, watering places,
 11 and all other equipments, furniture, and appurtenances of a
 12 first-class railroad, with rails of a good quality and size, and
 13 with a uniform gauge upon each of said roads. Said tele-
 14 graph line on each of said roads to be constructed in the most
 15 approved and workmanlike manner.

1 **SEC. 7.** *And be it further enacted,* That the government
 2 of the United States shall at all times have the preference in
 3 the use of said railroads and telegraph lines for postal, military,
 4 and all other purposes, paying therefor such sums as Congress
 5 may authorize and prescribe; and, until fixed by Congress,
 6 for carrying the mails and for the use of said telegraph lines,
 7 government shall pay such price as the Postmaster General
 8 shall direct; and for military and other services, such compen-
 9 sation as the Secretary of War may agree upon or allow.

1 **SEC. 8.** *And be it further enacted,* That the said several
 2 companies constructing said railroads and telegraph lines shall
 3 have the lands hereby granted conveyed to them respectively
 4 by patents as soon as they respectively shall have completed
 5 twenty continuous miles of railroad and telegraph line, as afore-
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6 said, to the satisfaction of an inspector to be appointed by the
7 Secretary of the Interior, to the amount allowed by the terms
8 of this act for such twenty miles, and so on for each twenty
9 continuous miles of railroad and telegraph line completed by
10 said companies respectively; except that one-fourth part of the
11 quantity of land granted for the three main railroads and tele-
12 graph lines respectively, and for the branch railroad from
13 Springfield, in Missouri, aforesaid, shall be retained and not
14 conveyed until those roads are severally completed. But,
15 when either of said main railroads and telegraph lines, or said
16 branch railroad and telegraph line, shall have been completed
17 for the distance of one thousand miles, (to be determined as
18 aforesaid,) one-half of the amount retained for that one thou-
19 sand miles shall be conveyed to said company or companies
20 constructing the same, as aforesaid, and so on for each one
21 thousand miles of railroad and telegraph line completed on
22 said three main roads respectively; and when either of the same
23 are completed, the whole amount retained shall be conveyed as
24 aforesaid to the company or companies completing the same.

1 SEC. 9. *And be it further enacted,* That if either of the
2 companies authorized to construct either of the three main
3 railroads and telegraph lines mentioned in the three first sec-
4 tions of this act, shall fail to complete at least fifty miles of its
5 railroad and telegraph line within three years after the passage
6 of this act, or if any of said companies mentioned in this act

7 shall fail to complete the whole of its railroad and telegraph line
 8 within ten years after the passage of this act, (unless the time
 9 shall be enlarged by Congress,) said failing company shall
 10 forfeit all the rights and privileges granted by this act as to all
 11 its line of railroad and telegraph line not then completed, and
 12 as to all grants of land therefor. And said lands may be
 13 granted by Congress to any other company, the same as if this
 14 act had not been passed, to aid in completing said railroad and
 15 telegraph line ; and, when completed, Congress may place the
 16 management of the whole of each or either of said three main
 17 railroads and telegraph lines, respectively, under the exclusive
 18 control of the company so completing the same, respectively,
 19 on such terms in regard to said failing companies, respectively,
 20 as it may deem just and proper, and reserves the right so to
 21 do by this act, in order to insure the completion of the said
 22 main railroads and telegraph lines.

1 **SEC. 10.** *And be it further enacted,* That Congress shall
 2 have power at all times to fix by law the rate of compensation
 3 on said railroads, or either of them, for the transportation of
 4 persons or property thereon other than such as is provided
 5 for by the seventh section of this act, in case said companies,
 6 or either of them, in the judgment of Congress, shall exact an
 7 exorbitant price therefor ; and Congress shall have the same
 8 power as to the rates of charge for transmitting intelligence
 9 by said lines of telegraph : *Provided,* That the rates of

10 charge on said railroads shall not be reduced below the average
11 rate upon other first-class railroads, unless the earnings of said
12 roads, exclusive of expenses and repairs, shall reach ten per
13 cent. upon the cost of the same.

1 SEC. 11. *And be it further enacted,* That each of the
2 companies engaged in constructing the three main railroads
3 and telegraph lines aforesaid, shall annually, during the con-
4 struction thereof, make a full report to the Secretary of the
5 Interior, verified by the oath of the proper officer or agent of
6 said companies respectively, of the condition and progress of
7 said work, of the distance of railroad and telegraph line com-
8 pleted, and the cost of the same, and the distance in course of
9 construction, and the cost so far of the same, of the estimated
10 value of the lands unsold, of the amount of money and prop-
11 erty on hand, and of the amount received from the road, and
12 of all the cost and expenses of the construction thereof up to
13 the time of making said report for the preceding year. And
14 said reports shall be continued annually after said roads and
15 telegraph lines are completed, showing the annual income and
16 expenditures thereof by items after that time, together with a
17 statement of the lands remaining unsold and the estimated
18 value thereof, and of the lands sold and the amount received
19 therefor ; and a general statement of the condition of said rail-
20 road and telegraph line, and of the income and expenditures
21 thereof for the year preceding.

1 SEC. 12. *And be it further enacted,* That said com-
2 panies owning or managing said railroads and telegraph lines
3 shall keep the same in good order and repair, and shall not
4 permit any unreasonable delay in the transportation of mails,
5 troops, or military stores, or of persons or property on said
6 railroads, or in the transmission of intelligence by said tele-
7 graph lines; and in case either of said companies shall per-
8 mit or allow any such unreasonable delay, or permit or allow
9 said railroad or telegraph line to remain improperly out of
10 repair, such company shall be subjected to such fines and
11 penalties therefor as Congress may see fit to impose.

1 SEC. 13. *And be it further enacted,* That the Secre-
2 tary of the Interior shall cause the lands to be surveyed (after
3 the routes shall be fixed) on the lines of said roads, so far as
4 necessary as fast as may be required by the construction of
5 said several railroads; and the lands granted by this act shall
6 not be liable to sale, (except by said company,) or entry, or
7 pre-emption, before or after they are surveyed. And the
8 reserved sections (designated by even numbers) on the several
9 railroads provided for in this act shall not be sold for less than
10 double the minimum price of the public lands. But the same
11 shall be subject to pre-emption the same as other lands
12 allowed to be pre-empted in all respects, except to be paid
13 for at such double price; and said reserved sections may also
14 be located by land warrants issued by the United States, at the

15 same double price, to wit : one-half the number of acres named
16 in said warrants.

1 SEC. 14. *And be it further enacted,* That the lands granted
2 to said companies respectively, to aid in constructing said three
3 main railroads and telegraph lines, shall be by them, after they
4 have received title thereto, kept open for sale ; and so much
5 thereof as shall remain unsold more than one year after the
6 completion of said railroads and telegraph lines respectively,
7 shall be put up for sale at public auction each year thereafter,
8 such sale commencing on the first Monday of June each year,
9 and continuing as long as may be necessary, and to be held at
10 such places as may be deemed most convenient, of which sale
11 due notice shall be given, and published in at least one news-
12 paper in each State, at least three months before such sale ; at
13 which sales, all lands for which the price of two dollars and
14 fifty cents or over per acre shall be bid, shall be sold, and on
15 payment, conveyed to such bidder, and for as much lower
16 price as the said companies may severally adopt. There shall
17 be excepted from said sales the grounds covered by said rail-
18 roads, and the right of way to the extent provided for in this
19 act ; and also to the amount, or at the rate of one section for
20 each mile of railroad which said companies may, respectively,
21 select and retain.

1 SEC. 15. *And be it further enacted,* That the right of
2 way is hereby granted for each of said railroads to the several

3 companies constructing the same to the extent of one hundred
4 feet in width on each side of each of said railroads in the same
5 manner in all other respects as is provided by law in other
6 cases, including all necessary grounds for station buildings,
7 workshops, and depots, &c.; and the right of way shall be ex-
8 empt from taxation within the territories of the United
9 States. No railroad shall be located through any Indian ter-
10 ritory or reservation without the written consent of the Sec-
11 retary of the Interior, nor without the consent of the Indian
12 tribe or tribes interested therein first obtained by the govern-
13 ment of the United States.

1 SEC. 16. *And be it further enacted,* That all minerals
2 of gold, silver, copper, iron, tin, or quicksilver, shall be, and
3 are hereby, reserved and excepted from the operation of this
4 act; but to aid in the construction of said railroads and tele-
5 graph lines, said companies may, respectively, take and use
6 earth, stone, timber, and other materials, from any lands ad-
7 jacent to said railroads, respectively, belonging to the United
8 States.